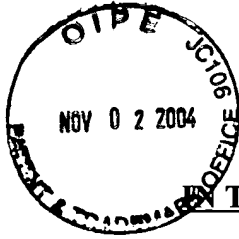


IRW



DOCKET NO. AB-354U

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Litvak, et al.

Serial No.: 10/712,078


Filed: November 13, 2003

For: Method and System to Convey the  
Within-Channel Fine Structure with a  
Cochlear Implant

Group Art 3764  
Unit:

Examiner:

I hereby certify that this paper is being  
deposited with the United States Postal  
Service as first class mail in an envelope  
addressed to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
on this date:

10/29/2004   
Date Victoria Aguilera

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Examiner:

Submitted herewith is PTO/SB/08 containing a list of items that are being  
disclosed to the U.S. Patent & Trademark Office (PTO) pursuant to 37 C.F.R. 1.56, 1.97 and  
1.98.

This application claims the benefit of United States Provisional Patent  
Application Serial Number 60/426,267 filed November 13, 2002.

The filing of this Information Disclosure Statement shall not be construed as a  
representation that a search has been made. See 37 C.F.R. §1.97(g).

IDS  
10/712,078  
Page Two


Further, the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b). See 37 C.F.R. §1.97(h).

Items A22, A27, A29, and A30 were considered to be relevant in International Search Report for related PCT application, International Application No. PCT/US03/36265, filed November 13, 2003. International Search Report is enclosed herein.

The USPTO recently posted a waiver notice stating the following: "The requirement in 37 CFR 1.98(a)(2)(iii) for a legible copy of the specification, including the claims, and drawings of each cited pending U.S. patent application (or portion of the application which caused it to be listed) is sua sponte waived where the cited pending application is stored in the USPTO's IFW system. See 37 CFR 1.183. This waiver is effective immediately." Therefore the listed pending U.S. Patent Applications, items A34 and A35, which are available through the USPTO's IFW system (PAIR), copies are not being submitted.

All of the items listed on PTO/SB/08 are in the English language.

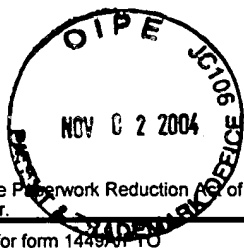
Respectfully submitted,

  
Philip H. Lee  
Reg. No. 50,645

Dated: October 29, 2004

Address all correspondence to:  
Bryant R. Gold  
Advanced Bionics Corporation  
25129 Rye Canyon Rd.  
Valencia, CA 91355  
Fax: (661) 362-1507 or (760) 788-9629

Address all telephone inquiries to:  
Philip H. Lee  
Phone: (661) 362-1964



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/08A (10-01)  
Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

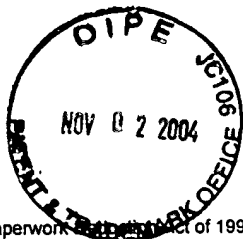
<b>Substitute for form 1449, 01-10</b> <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		<b>Complete if Known</b>			
		Application Number	10/712,078		
		Filing Date	November 13, 2003		
		First Named Inventor	Litvak, et al.		
		Art Unit	3764		
Sheet	1	of	2	Examiner Name	
				Attorney Docket Number	AB-354U

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	A1	US-3,751,605	08-07-1973	Michelson	
	A2	US-4,400,590	08-23-1983	Michelson	
	A3	US-4,495,384	01-22-1985	Scott, et al.	
	A4	US-4,819,647	04-11-1989	Byers, et al.	
	A5	US-5,603,726	02-18-1997	Schulman, et al.	
	A6	US-5,626,629	05-06-1997	Faltys, et al.	
	A7	US-5,938,691	08-17-1999	Schulman, et al.	
	A8	US-6,052,624	04-18-2000	Mann	
	A9	US-6,067,474	05-23-2000	Schulman, et al.	
	A10	US-6,078,838	06-20-2000	Rubinstein	
	A11	US-6,129,753	10-10-2000	Kuzma	
	A12	US-6,157,861	12-05-2000	Faltys, et al.	
	A13	US-6,195,585-B1	02-27-2001	Karunasiri, et al.	
	A14	US-6,205,360-B1	03-20-2001	Carter, et al.	
	A15	US-6,208,882-B1	03-27-2001	Lenarz, et al.	
	A16	US-6,219,580-B1	04-17-2001	Faltys, et al.	
	A17	US-6,249,704-B1	06-19-2001	Maltan, et al.	
	A18	US-6,289,247-B1	09-11-2001	Faltys, et al.	
	A19	US-6,295,467-B1	09-25-2001	Kollmeier, et al.	
	A20	US-6,415,185-B1	07-02-2002	Maltan	
	A21	US-6,393,325-B1	05-21-2002	Mann, et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code <sup>3</sup>	-Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)			
	A22	WO-00/01200-A1		01-06-2000	Smith	
	A23	WO 02/09808-A1		02-07-2002	Meadows, et al.	
	A24	WO-03/015863-A2		02-27-2003	Overstreet	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.  
<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.  
<sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.  
Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



PTO/SB/08B (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Project of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449B/PTO			<b>Complete if Known</b>		
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)			Application Number	10/712,078	
			Filing Date	November 13, 2003	
			First Named Inventor	Litvak, et al.	
			Group Art Unit	3764	
			Examiner Name		
Sheet	2	of	2	Attorney Docket Number	AB-354U

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	A25	HARNSBERGER, et al., "Perceptual "vowel spaces" of Cochlear Implant Users: Implications for the Study of Auditory Adaptation to Spectral Shift", J Acoust Soc Am, Vol 109(5) pt. 1, (May 2001), pages 2135-2145.	
	A26	McDERMOTT, et al., "Pitch Ranking with Nonsimultaneous Dual-Electrode Electrical Stimulation of the Cochlea", J Acoust Soc Am, Vol. 96(1), (1994) pages 155-162.	
	A27	MORSE, et al., "The practical Use of Noise to Improve Speech Coding by Analogue Cochlear Implants", Chaos, Solutions and Fractals, Vol. 11, no. 12, (2000) pages 1885-1894.	
	A28	RUBINSTEIN et al., "The Neurophysiological Effects of Simulated Auditory Prosthesis Simulation" Second Quarterly Progress Report NO1-DC-6-2111.	
	A29	SCHEIRER, et al., "Construction and Evaluation of Robust Multifeature Speech/Music Discriminator", Acoustics, Speech, and Signal Processing (1997), IEEE International Conference on Munich, Germany (21-24 April 1997), pages 1331-1334.	
	A30	SMITH, et al., "Chimaeric Sounds, Reveal Dichotomies in Auditory Perception", Nature, VOL. 416, no. 6876, (7 March 2002), pages 87-90.	
	A31	van WIERINGEN, et al., "Comparison of Procedures to Determine Electrical Stimulation Thresholds in Cochlear Implant Users", Ear and Hearing, Vol. 22(6), (2001), pages 528-538.	
	A32	ZENG, et al., "Loudness of Simple and Complex Stimuli in Electric Hearing", Annals of Otology, Rhinology & Laryngology, Vol. 104 (9), (1995) pages 235-238.	
	A33	ZHANG, et al., "Loudness of Dynamic Stimuli in Acoustic and Electric Hearing", J Acoust Soc Am, Vol. 102(5) Pt. 1, (Nov. 1997), pages 2925 - 2934.	
<b>OTHER PRIOR ART - RELATED APPLICATIONS</b>			
	A34	OVERSTREET, LITVAK, and FALTYS inventors for AB-378U; U.S. Patent Application Serial No. 10/698,097; filed October 31, 2003; entitled "Multi-Electrode Stimulation to Elicit Electrically-Evoked Compound Action Potential."	
	A35	LITVAK, inventor for AB-396U; U.S. Patent Application Serial No. 10/819,609; filed April 07, 2004; entitled "Method of Using Non-Simultaneous Stimulation to Represent the Within-Channel Fine Structure."	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

<sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.